

EXHIBIT C

S.D.N.Y.-N.Y.C.
21-MC-100
Hellerstein, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the **9th** day of **March** two thousand seven,

Present:

Hon. Richard J. Cardamone,
Hon. Chester J. Straub,
Hon. J. Clifford Wallace,*
Circuit Judges.



In re World Trade Center Disaster Site Litigation

06-5324-cv

In re City of New York, et al.,

07-0185-op

Petitioners.

Appellants-petitioners, through counsel, move for a writ of mandamus and a stay of the district court proceedings pending appeal. Appellees, through counsel, move to dismiss the appeal docketed under 06-5324-cv. Because it is at least arguable whether some or all of the assertions of immunity put forward by appellants-petitioners have merit, upon due consideration, it is hereby ORDERED that the motion for a stay of trial as well as pre-trial proceedings is GRANTED. See *Mitchell v. Forsyth*, 472 U.S. 511, 526-27 (1985)(immunity from suit is "effectively lost if a case is erroneously permitted to go to trial"). It is further ORDERED that, regarding the appeal docketed under 06-5324-cv, the appellees' motion to dismiss is referred to the merits panel that decides the appeal. Appellants-petitioners' motion for a writ of mandamus, docketed under 07-0185-op, is DENIED as moot. A scheduling order for the appeal shall issue forthwith and the appeal will be heard on an expedited basis.

FOR THE COURT:

Thomas W. Asreen, Acting Clerk

By: Richard Alcantara
Richard Alcantara, Deputy Clerk

*The Honorable J. Clifford Wallace, United States Court of Appeals for the **9th** Circuit, sitting by designation.